IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 6TH NOVEMBER 2007 / 15TH KARTHIKA 1929

Bail Appl..No. 6797 of 2007()

CRIME NO.8/07 OF ERNAKULAM TOWN SOUTH POLICE STATION.

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PETITIONER/ACCUSED NO.6

SALIM, S/O ABOOBACKER,
AGED 50 YEARS, H.NO.23/437,
RAINBOW ROAD, THAIKKAVU,
EDAPPALLY.

BY ADV. SRI.SIRAJ KAROLY

RESPONDENTS: COMPLAINANT

STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,ERNAKULAM.

BY P.P. SRI. JAI GEORGE.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 06/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

B.A. NO. 6797 of 2007

Dated this the 6th day of November, 2007

ORDER

Application for regular bail. The petitioner is the 6th accused. Altogether, there are 9 accused persons, it is submitted. Except accused 1 and 2, all the other accused have already been arrested. The alleged incident took place on 30/12/06. The crime was registered for offences punishable, inter alia, under Sec.420 of the IPC. The de facto complainant was allegedly deceived by fraudulent representation of the accused persons in collusion that gold at less than the market rates can be sold to them with the involvement of Customs officials. The de facto complainant was induced to believe those representations. He allegedly handed over an amount of Rs.10 lakhs to the miscreants. Then, some persons impersonating to be the police officials reached the scene. They took away the amount of Rs.10 lakhs and decamped along

with the other accused locking the de facto complainant and his friend in the hotel room in which a meeting was arranged. On the complaint given belatedly by the de facto complainant, the crime was registered. Investigation continued. The identity of the miscreants was ascertained. The petitioner has been arrayed as the 6th accused. He was arrested on 7/10/07. He continues in custody from that date.

2. The learned counsel for the petitioner prays, the learned Public Prosecutor does not oppose the said prayer and I am satisfied that the petitioner, who has remained in custody from 7/10/07, can now be enlarged on bail subject, of course, to appropriate terms and conditions.

3. **In the result:**

(a) The application is allowed.

(b) The petitioner shall be released on bail on the following terms and conditions:

(i) The petitioner shall execute a bond for Rs.1,00,000/- (Rupees one lakh only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

(ii) The petitioner shall make himself available for interrogation before the Investigating Officer on all Mondays and

Fridays between 10 a.m. and 12 noon for a period of three months.

(iii) The petitioner shall not, during the said period of three months, leave the Sessions Division of Ernakulam, without the prior permission of the learned Magistrate.

(R. BASANT, JUDGE)

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